

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JASON A. MAHE,

**Plaintiff,**

Case No. 3:21-cv-00069-MMD-WGC

V.

HARTMAN, *et al.*,

## Defendants.

## ORDER

## I. SUMMARY

*Pro se* Plaintiff Jason Mahe, currently incarcerated and in the custody of the Nevada Department of Corrections (“NDOC”), filed a complaint under 42 U.S.C. § 1983. (ECF No. 5 (“Complaint” (sealed)).) Mahe additionally filed a motion for injunctive relief to be transferred out of the NDOC due to safety concerns. (ECF No. 1-1 (“Motion”).) Before the Court is the Report and Recommendation (ECF No. 20 (“R&R”)) of United States Magistrate Judge William G. Cobb. The R&R recommends the Court deny the Motion. Mahe timely filed his objection (ECF No. 26 (“Objection”)) to the R&R, and Defendants did not file a response. Because the Court agrees with Judge Cobb and as further explained below, the Court overrules Mahe’s Objection and adopts the R&R in full.

## II. BACKGROUND

The Court incorporates by reference Judge Cobb's recitation of the factual background provided in the R&R, which the Court adopts here. (ECF No. 20 at 1-4.)

### III. **LEGAL STANDARD**

## A. Review of the Magistrate Judge's Recommendation

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is

1 required to "make a *de novo* determination of those portions of the [report and  
2 recommendation] to which objection is made." *Id.* The Court's review is thus *de novo*  
3 because Mahe filed his Objection. (ECF No. 26.)

4 **IV. DISCUSSION**

5 Following a *de novo* review of the R&R and other records in this case, the Court  
6 finds good cause to accept and adopt Judge Cobb's R&R.

7 Judge Cobb recommends the Motion be denied as there is no sufficient connection  
8 between Mahe's allegations in the Motion and the claims proceeding in this action that  
9 would warrant granting injunctive relief. (ECF No. 20 at 6.) More specifically, Mahe makes  
10 allegations against Lieutenant Miller and Correctional Officer Bartlett, but neither of these  
11 individuals are defendants in this action. (*Id.* at 7.) Moreover, Mahe has failed to  
12 demonstrate a likelihood of success on the merits as to any of his claims. (*Id.*) Mahe's  
13 Objection fails to address Judge Cobb's R&R and appears to merely restate allegations  
14 related to Mahe's safety and treatment in NDOC's custody. (ECF No. 26 at 2-7.) As such,  
15 and in the absence of a sufficient connection between Mahe's allegations in his Motion  
16 and his proceeding claims, the Court lacks the authority to grant Mahe's request to be  
17 transferred out of the NDOC. Accordingly, Mahe's Objection is overruled. The Court  
18 therefore agrees with Judge Cobb that Mahe's Motion should be denied and will adopt the  
19 R&R in its entirety.

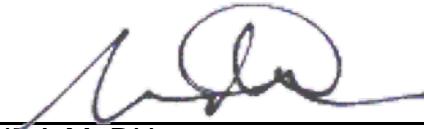
20 **V. CONCLUSION**

21 It is therefore ordered that the Report and Recommendation of Magistrate Judge  
22 William G. Cobb (ECF No. 20) is accepted and adopted in full.

23 It is further ordered that Plaintiff Jason Mahe's motion for injunctive relief (ECF No.  
24 1-1) to be transferred out of the NDOC is denied.

25 DATED THIS 6<sup>th</sup> Day of July 2021.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE